



THE CA COMPASS



New Directions in Compliance Assistance



Spring 2004

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One Environment
One Conference

National Environmental Assistance Summit

April 19-22, 2004
(Earth Day Week)

Baltimore, Maryland



More details
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Storm Water Strategy Utilizes “Smart Enforcement”

EPA’s Office of Enforcement and Compliance Assurance (OECA) has developed a Storm Water Compliance and Enforcement Strategy to protect our nation’s waters from the harmful effects of polluted storm water. Urban storm water runoff contributes to 13 percent of the nation’s impaired river and stream miles, 21 percent of impaired lake acres, 55 percent of impaired ocean shoreline miles, and 46 percent of impaired estuary square miles. [According to the *Report to Congress on the Phase I Storm Water Regulations* (U.S. EPA, 2000)]

Storm water runoff can carry high levels of pollutants like oil and grease, suspended solids, nutrients, heavy metals, pathogens, and toxins into the sewer systems ultimately into our streams, lakes, estuaries, wetlands and



An example of improper trenching

oceans. The result is an unhealthy environment for aquatic organisms, wildlife and humans.

Phase I of the National Pollutant Discharge Elimination System (NPDES) storm water requirements addressed sources of storm water runoff that had the greatest potential to negatively impact water quality (large and medium municipal separate storm water systems serving populations of at least 100,000 and construction sites disturbing more than five acres of land). Though

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these requirements have been in effect for more than 10 years, EPA and state storm water inspection data reveal that a majority of the inspected industrial facilities do not have a NPDES storm water permit. Moreover, there is significant non-compliance at sites with permits.

In March 2003, additional storm water requirements became effective for **Phase II** sources (regulated small municipal separate storm water sewer systems and construction sites disturbing between 1 and 5 acres of land). For these newly covered smaller sources, compliance assistance (CA) will be the agency's focus while for Phase I sources, there will be an emphasis on enforcement.

The strategy provides two model storm water compliance and enforcement approaches for EPA regions and states to use in developing and implementing their own strategies to address the storm water noncompliance problem. The first is a sector-based model that addresses industries with low compliance rates. The second provides a watershed-based model that identifies a vulnerable watershed with significant impacts to a variety of industrial storm water sources.



Improper soil stabilization

The strategy is an example of the “smart enforcement” approach used by EPA. This approach emphasizes the use of the most appropriate tools-- compliance assistance, compliance incentives, monitoring, enforcement, pollution prevention and/or the other available tools-- to address the most significant problems to achieve the best outcomes in the most timely manner.

Elements of the strategy include: a storm water training program for inspectors and enforcement officers; a storm water expedited settlement offer program; guidance for application of the Clean Water Act Penalty Policy to storm water cases; check-off sheets for the regulated community and other tools (including a legal forms

database for storm water, enforcement strategies, and noncompliance scoring criteria). The strategy anticipates a strong EPA/state partnership to address noncompliance with storm water requirements. (Contact Lauren Kabler at 202-564-4052 or Rick Duffy at 202-564-5014).

Storm Water Pollution Prevention Plans

The Office of Compliance is working on a spreadsheet-based methodology to determine the pollutant reductions achieved through implementation of Storm Water Pollution Prevention (P2) Plans. This methodology will be used to assist EPA regions in calculating the environmental benefits of their storm water enforcement actions when the actions require the implementation of a storm water P2 plan. The calculation is based on four factors; soil erosivity, rainfall, slope and the Best Management Practices (BMPs) used. The spreadsheet has assumed values for the efficiencies of BMPs. Examples of Best Management Practices for storm water and model storm water P2 plans EPA has developed for 7 industry sectors can be found at www.epa.gov/region3 (Contact Lynn Vendinello at 202-564-7066).

The Office of Compliance (OC) Launches Compliance Assistance Newsletter

It gives me great pleasure to introduce this first edition of the COMPASS, EPA's newsletter for compliance assistance providers. The theme is "*The Role of Compliance Assistance in Addressing Storm Water Environmental Problems.*" Storm Water has been an OECA national priority since 1998 and our lead story highlights OECA's national strategy for addressing this problem. You will also find articles on EPA's compliance assistance activities, available tools, and regional successes in using compliance assistance as a part of integrated strategies to address storm water.

We plan to publish this newsletter three times a year and, as we have done in this edition, focus on a theme or topic of interest to the compliance assistance (CA) provider community. The newsletter also has a calendar of upcoming events and a "Hot News" section to highlight important information such as new policies, guidance, tools, events or reports related to the CA program. While the primary audience for this newsletter is CA providers, we hope that other environmental assistance providers as well as members

of the regulated community will also find it useful.

I'd also like to take this opportunity to share our national CA program priorities for FY 2004. These priorities support our overall program goal of advancing the practice of compliance assistance. They are:

- **Program Integration** - Promote more strategic use of CA and integrate it with compliance monitoring, incentives, enforcement, and other tools to solve environmental problems.

- **Planning** - Improve planning and collaboration with program offices, regions, states, and tribes.

- **Network Building** - Strengthen the network of environmental assistance providers and help build the skills of practitioners (federal, state, tribal, and third-party, e.g., trade associations).

- **Targeting Assistance** - Improve the identification and analysis of environmental problems and strategically applying assistance to sector and media areas of need.

- **Tool Development and Delivery** - Develop and deliver tools to address identified problems, fill gaps and support national and regional priorities.

- ***Measurement** - Provide leadership to improve CA outcome measurement and develop tools to facilitate reporting of CA results.

We hope you find this newsletter informative and useful for sharing information among the many providers of compliance assistance. We welcome your comments and look forward to receiving future stories from you. You can contact Deborah Thomas with your ideas and comments at (202) 564-5041 or by e-mail at thomas.deborah@epa.gov.

Sincerely,

James Edward
Director,
Compliance Assistance and
Sectors Program Division
Office of Compliance

EPA's Storm Water Compliance Assistance Activities for FY 2004

During Fiscal Year (FY) 2004, EPA is planning a variety of activities to address the storm water compliance needs of business, industry and government. Reasons for this assistance include new regulations, lack of awareness of requirements, and high rates of noncompliance with EPA's storm water regulations under the Clean Water Act (CWA). The majority of the **12 compliance assistance (CA) activities** (summarized in the table on page 5) address **Storm Water Phase II requirements**. Several planned CA activities also address **Storm Water Phase I requirements**.

EPA regional offices in New England (1), New York (2), Philadelphia (3), Dallas (6), and Seattle (10) are directing **specific storm water CA** to the **construction industry, the oil and gas industry and local, state and tribal governments and federal facilities**. These CA activities include developing and distributing written materials, such as fact sheets about storm water regulations or guidance materials on best management practices for storm water compliance.

New Internet Web pages developed by EPA offer guidance materials, compliance checklists and fact sheets about storm water requirements.

Outreach opportunities include storm water training and workshops designed for specific business and industry sectors. At least one EPA region plans to use on-site visits to deliver storm water compliance assistance.



Silt fence failure overwhelms storm drain

EPA has planned **another 50 CA activities** this year in which storm water compliance is one component of multi-media compliance assistance. This means the CA activity addresses the regulatory requirements of several EPA programs, such as wastewater discharge, hazardous waste disposal and storm water discharge.

Business and government sectors that EPA is helping through such **multi-media**

assistance include **auto salvage and recycling, auto repair and service, health care, marinas, schools** and others.

Information about all of these planned activities is available through the National Environmental Compliance Assistance Clearinghouse on the Internet at the website: www.epa.gov/clearinghouse. The purpose of the Clearinghouse is to help the assistance providers and the industry find compliance assistance information quickly.

Planned Storm Water CA on the National Environmental Compliance Assistance Clearinghouse

1. <http://www.epa.gov/clearinghouse>
2. Select: "Planned and Ongoing Activities"
3. Select: "US EPA Activities"
4. Select: "FY 2004"
5. Enter Search Criterion: "StormWater"

Contact Ms. Rebecca A. (Becky) Barclay, USEPA, Office of Compliance,
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202-564-7063.

EPA's Storm Water Specific Compliance Assistance Activities for FY 2004

CA Activity Title	CA Activity Types	Sectors Addressed	Regional Contacts
Municipalities- Outreach on Storm Water Phase I and II (NPDES)	Fact sheets, guidance materials, on-site visits, workshops/training, articles in journals and magazines	Local gov't, state gov't, transportation, utilities	New England- Region 1 Jack Healey, 617-918-1844 healey.jack@epa.gov
Construction- Outreach on Storm Water Phase I and II (NPDES)	Fact sheets, guidance materials, on-site visits, workshops/training, articles in journals and magazines	Construction, local gov't, state gov't, transportation	New England- Region 1 Abby Swaine, 617-918-1841 swaine.abby@epa.gov
Storm Water Phase II Workshops (Caribbean)	Fact sheets, website, workshops/training, articles in journals and magazines	Construction, federal facilities, general public/ citizens, health care, local gov't, schools, state gov't, transportation	New York City- Region 2 Sergio Bosques 787-977-5838
Maryland's New Approach to Storm Water Management	Videos, website, workshops/training	Construction, general public/citizens, local gov't, small business	Philadelphia- Region 3 David Byro, 215-814-5563 byro.david@epa.gov
Storm Water/UIC Compliance Assistance	Fact Sheets	All sectors, local gov't	Philadelphia- Region 3 Karen Johnson, 215-814-5445 johnson.karen@epa.gov
Integrated Strategy for Implementation of NPDES Storm Water Rule Phase II for Oil & Gas Industry	Checklist, fact sheets	(none reported) appears to be oil and gas	Dallas- Region 6 Casey Luckett, 214-665-7393 luckett.casey@epa.gov
Regional Roundtable for Storm Water Coordinators in Region 6	Workshops, training materials	Construction, local gov't, state gov't	Dallas- Region 6 Diana McDonald, 214-665-7495 Mcdonald.Diana@epa.gov
Compliance Assistance on Storm Water Phase II upon request	Workshops, training materials	All sectors	Dallas- Region 6 Diana McDonald, 214-665-7495 Mcdonald.Diana@epa.gov
Storm Water Construction General Permit (SWCGP) Assistance Workshop	Websites, workshops, training materials	Construction	Dallas- Region 6 Everett Spencer, 214-665-8060 spencer.everett@epa.gov
Region 6 NPDES Storm Water Enforcement Web Page	Guidance materials, websites	(Appears to have selected almost all sectors including auto salvage, chemical distributors, construction, federal facilities, food processing, garment & textile, state & local gov't, transportation, tribal, utilities, etc)	Dallas- Region 6 Taylor Sharpe, 214-665-7112 sharpe.taylor@epa.gov
Compliance Assistance with Storm Water Phase II Training for MS4 Municipalities in Arkansas, Louisiana, and Oklahoma	Workshops, training materials	Local gov't	Dallas- Region 6 Thea Lomax, 214-665-8098 lomax.thea@epa.gov
Education and Outreach on NPDES Storm Water Permit Regulations	CD-rom, checklists, websites	Construction, federal facilities, transportation, tribal	Seattle- Region 10 Jeanne O'Dell, 206-553-6919 Odell.Jeanne@epa.gov

Success Stories in Achieving Storm Water Compliance

EPA Region 3: Anacostia Watershed Storm Water Strategy

The Anacostia Watershed Storm Water Strategy developed by EPA's Region 3 office achieved results from a multi-faceted approach using a mix of compliance assistance and enforcement.

The Anacostia River watershed reaches upstream from the District of Columbia (D.C.) into suburban Maryland, covering approximately 170 square miles of land in two Maryland counties and D.C. It drains one of the most densely populated sections of metropolitan D.C. With a population of more than 800,000, the watershed faces typical pressures associated with an urbanized area--pollution, development and encroachment upon natural resources.

Risk-based targeting allowed EPA to use limited resources to best advantage by effectively focusing compliance and enforcement efforts on numerous and varied polluters in a watershed burdened with severe environmental threats.

This Strategy involved four basic steps:

1. Identification of the Anacostia as an impaired watershed based on a number of factors including human health risk, loss of natural habitat, and environmental justice considerations.

2. Potential Contributors to Problem: EPA used many sources such as the Dunn & Bradstreet database, to identify a universe of approximately 1,000 facilities in the Anacostia River watershed and establish which facilities had not filed for permits or were not in compliance with permit requirements.

3. Prioritization: EPA prioritized the non-filers and non-compliers according to their potential risk to the watershed.

4. Compliance assistance, monitoring, and enforcement: The last steps were to provide compliance assistance, investigate, and take enforcement actions as needed. The compliance assistance activities included sending out more than 1,000 outreach letters to the facilities, providing notice of EPA's

storm water requirements. Also, EPA's Region 3 developed a storm water website (www.epa.gov/region3) that includes useful information on best management practices, and sample storm water pollution prevention plans for seven different industry sectors. The region also conducted a number of compliance assistance site visits for the construction sector and partnered with the D.C. government to address multi-media concerns for the auto service/body shop sector, a major source of pollution in the Anacostia River.

In addition, EPA conducted approximately 200 inspections. After reviewing the inspection reports and ranking them according to non-compliance criteria, follow-up inspections were conducted at 27 facilities. Seventeen of those facilities are now in compliance.

(Contact Region 3's Office of Enforcement, Compliance, and Environmental Justice at 215-814-2627 for more information)



Improper concrete washout near storm drain with no protective barriers

Region 10: Construction Industry Strategy

EPA Region 10 continues to implement its long-term compliance assistance strategy for the construction industry in Idaho and Alaska. The goal is to protect water quality and prepare the construction industry for increased EPA inspections over the next few years. A key element of the strategy is to educate construction operators about NPDES erosion, sediment and pollution control requirements in areas where EPA is the NPDES permitting authority.

Working cooperatively with state chapters of the Associated General Contractors (AGC), Region 10 staff participated in several day-long workshops for contractors throughout Idaho and Alaska in late 2002 and 2003.

Presentations on federal, state and local water quality protection requirements, as well as what to expect during an EPA inspection, were provided by staff from EPA, the Army Corps of Engineers, state departments of transportation and environment, and local governments. The AGC hosted each session, and stressed to the audience the importance of working together to increase awareness of the storm water requirements. Region 10 hopes to continue its working relationship with AGC by co-hosting similar events in the future.

Other recently completed elements of the Region 10 strategy include developing and distributing illustrated state-specific fliers summarizing the NPDES permit requirements; developing a Storm Water Pollution Prevention Plan Checklist; maintaining a regional storm water/construction permitting website; providing telephone and e-mail assistance; and co-sponsoring related training conducted by other state or non-profit organizations.

Region 10 has also developed a brochure, *Construction Projects Need Erosion and Sediment Controls*. This brochure summarizes construction site responsibilities for erosion and sediment controls and includes tips for managing storm water, a list of common pollutants in construction site runoff, a brief description of storm water pollution prevention plans, and the Construction General Permit.

(For more information, call Region 10 at (206) 553-6919 or visit:

www.epa.gov/region10/stormwater.htm



Don't be a "hoser." Wash out trucks at proper cleaning stations.

Storm Water Compliance Assistance Tools

The Construction Industry Compliance Assistance Center (CICA) helps address storm water issues. This new EPA-sponsored CA Center for the construction industry is intended primarily for contractors, builders, developers, and others in the construction fields. It is also a useful resource for EPA, state, and local regulators and stormwater managers.

CICA provides plain language explanations of the major environmental laws that affect the construction industry, along with links to additional sources of detailed information. CICA is organized by environmental topic with separate sections covering storm water, solid waste, hazardous waste, air, wetlands, endangered species and “green” buildings.

A key tool on the CICA website is the **Storm Water Resource Locator (SWRL)**. The SWRL has information on state and local regulations and permit requirements. It provides links to resources available from each state, arranged to make it easy for those planning construction to pick out what they need. The

information is presented according to how one answers the following five questions:

1) Do I need a permit?

2) How do I apply for a storm water permit?

3) Where can I find permit application forms and instructions?

4) Whom should I contact for more information?

5) Where can I find additional storm water compliance resources?

Find answers to your compliance questions at: www.cicacenter.org



Federal Environmental Requirements For Construction Brochure Now Available:

US EPA and its partners developed a brochure of the federal environmental requirements applicable to construction projects. The brochure is written primarily for owners of construction projects and for general contractors who supervise such projects.

The brochure covers:

- Storm water runoff
- Dredge and fill material
- U.S. Waters, including wetlands
- Solid and hazardous wastes
- Spill reporting
- Hazardous substances (Superfund liability)
- PCB wastes
- Air quality and asbestos
- National Environmental Policy Act (NEPA)
- Threatened or endangered species
- Historic properties
- Other considerations (green building, brownfields)
- A list of compliance resources

The brochure can be found at: <http://cicacenter.org/fedenvconstruction.pdf>

More Storm Water Compliance Assistance Tools and Resources

Construction Workgroup Develops Storm Water CA Tools. A multi-stakeholder group was formed in 2002 to assess the compliance needs of the construction industry. The workgroup consists of EPA program offices/regions, states, industry, trade associations, academia, and nonprofit organizations. The group identified gaps in CA information to address the major compliance problems in the industry and developed tools to fill those gaps.

Some of the tools this cooperative alliance of stakeholders developed include:

- **A Compendium of Compliance Assistance Tools for the Construction Sector**, a list of existing CA tools for the industry. This Compendium can be found in the Clearinghouse at <http://cfpub.epa.gov/clearinghouse/ECCAT>;
- **The Storm Water Compliance Checklist**, the first in a series of self-audit checklists for the construction industry; and
- **Managing Your Environmental Responsibilities** – a guide that contains detailed information on Federal

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environmental requirements for the construction industry.

(For more information, contact Emily Chow (202-564-7071 or visit <http://www2.ergweb.com/projects/catools>)

Other Available Storm Water Resources:

The National Environmental Compliance Assistance Clearinghouse provides links to comprehensive environmental compliance assistance materials and allows users to interact with each other as well as EPA.

The Clearinghouse is at www.epa.gov/clearinghouse

The Office of Water Resource Center is at <http://www.epa.gov/safewater/resource/>. It offers water and wastewater related publications, such as the brochure *After the Storm: A Citizen's Guide to Understanding Storm Water* (EPA 833-B-03-002). Most publications are free but a nominal mailing fee may be charged. The telephone number is 202-566-1729.

Storm Water Managers Resource Center

is at www.stormwatercenter.net

It is maintained by the Center for Watershed Protection and is designed specifically for storm water practitioners and others who need technical assistance on storm water management issues.

The National Environmental Services

Center/West Virginia University Website at

www.nesc.wvu.edu

contains information on storm water in relation to snow melt, constructed wetlands, as well as wastewater treatment.

The Local Government Environmental Assistance

Network, one of the EPA-funded Compliance Assistance Centers, contains information on storm water (fact sheets, reports, CD-ROMs, etc.) and water and wastewater related topics, a small communities quarterly newsletter, a list of forums, training, and workshops. The website is www.lgean.org. The toll-free number is 1-877-865-4326.

Upcoming Events

April 4-6, 2004

American Water Works Association (AWWA) Customer Service Conference/Exposition:
San Diego, California
-For water & wastewater professionals, consultants, engineering firms, regulatory officials. Contact:
www.awwa.org/conferences/

April 19-21, 2004

AWWA/WEF Information Management & Technology Conference: IMTech 2004
Baltimore, Maryland
-For water & wastewater professionals, local/state/federal officials. Contact:
www.awwa.org/conferences

April 19-22, 2004

National Environmental Assistance Summit: Baltimore, Maryland.
Contact: www.p2.org/summit2004

April 19-22, 2004

National Environmental Performance Track Annual Conference: Baltimore
Contact: <http://www.ptpaonline.org>

Hot News



The National Environmental Assistance Summit

Experience the sights and sounds of Baltimore's Inner Harbor and celebrate Earth Day with your friends by attending the National Environmental Assistance Summit from **April 19-22, 2004**. The Summit is a merger of two annual meetings: EPA's National Compliance Assistance

Providers Forum and the National Pollution Prevention Roundtable (NPPR).

Three EPA Offices – Compliance, Pollution Prevention and Toxics, and the National Center for Environmental Innovation – along with NPPR are working together to bring environmental assistance providers and industry representatives together to learn from each other about how to provide more effective

assistance to improve environmental performance.

The Summit will offer workshops, field trips, special keynote speakers, an Earth Day service project, and over 50 sessions on topics of importance to environmental assistance providers. Learn more at:
www.p2.org/summit2004

(Contact: Joanne Berman at 202-564-7064 or Robbi Farrell, 202-564-4061).

Hot News Cont...



Report Issued Recommending Changes to the CA Program:

The final Report of the Compliance Assistance Policy and Infrastructure Steering Committee (CAPI) was issued in February 2004. The CAPI was created two years ago to advise OECA senior headquarters and regional managers on ways to strengthen the national compliance assistance program. Lisa Lund, of the Office of Compliance (OC), and Samantha Fairchild, of Region 3, co-chaired this committee of senior managers from the regions and headquarters.

The report describes the state of the Agency's compliance assistance program when the CAPI was formed, highlights the committee's accomplishments and outlines the challenges that remain to implementing an effective national compliance assistance program. Most importantly, it recommends specific actions that the CAPI believes OECA should undertake to better

integrate and coordinate compliance assistance efforts with other EPA program offices and the states.

The report is currently available on EPA's Intranet site at: <http://intranet.epa.gov/oeca/oc/caspd/index.html> and will be up soon on EPA's internet site.

EPA Environmental Assistance Network Created

The EPA headquarters' offices that are mutually accountable for demonstrating results under Goal 5 of the Agency's strategic plan have joined to establish an Environmental Assistance Network. Network participants include staff and management from OECA, Office of Prevention, Pesticides, and Toxic Substances, Office of Policy, Economics and Innovations, American Indian Environmental Office and the Office of Research and Development.

The Environmental Assistance Network is a vehicle for better

planning, coordination, and measurement of EPA's environmental assistance efforts.

To facilitate better strategic planning and collaboration, the Network is creating a matrix of the participating offices' FY 2004 assistance projects and activities to support the delivery of assistance.

It is anticipated that the Network will be expanded to include headquarters' media program offices later this year and, at some point, include regional offices as a means to coordinate and communicate on assistance issues across the country (*contact Tracy Back at 202-564-7076*).



The Regional Compliance Assistance Coordinators:

Region 1

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Region 2

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Region 3

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Region 4

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Region 10

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Compliance Assistance Coordinators' Annual Meeting

During the week of July 15, 2003, the Compliance Assistance Coordinators met for their annual meeting. During that meeting the Honorable Mayor Anthony Williams of the District of Columbia presented a plaque proclaiming the week, Compliance Assistance Week. Each Coordinator was recognized by the Mayor for his or her work and Lisa Lund, Deputy Director, Office of Compliance received the Proclamation on behalf of EPA.

